

REMARKS/ARGUMENTS

This application has been carefully reviewed in view of the Office Action dated June 30, 2006. In that Office Action claims 1-14, 16-18, 23-33, 35, 36 and 41-87 were pending and claims 1-14, 16-18, 23-33, 35, 36, 41-66, 74 and 84 were objected to due to various informalities. Applicants have amended claims 1, 26, 44, 51, 56, 67, and 79 as indicated in the office action to correct these informalities. Applicants acknowledge the indicated allowability of claims 1-14, 16-18, 23-33, 35, 36 and 41-66 over the prior art of record.

The Office Action also rejected claims 67-73, 75-83, and 85-87 under 35 USC 102(e) as being anticipated by Cho et al (US 6,628,201). For a prior art reference to anticipate in terms of 35 USC §102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F2d 831, 15 USPQ 2d 1566 (Fed. Cir. 1990). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 927 F2 1565, 18 USPQ 2d 1001, 18 USPQ 2d 1896 (Fed. Cir. 1991).

Cho fails to disclose all of the elements of the claimed invention. Independent claims 67 and 79, as amended, each contain in the preamble either the phrase "physical and environmental conditions" or the phrase "physical condition and environmental hazard". In addition, the body of the claim has been amended to specifically recite the existence of two sensors, one for detecting environmental conditions and one for detecting physical conditions. The preamble in conjunction with the limitations in the body, requires that the claimed invention be capable of monitoring both physical conditions and environmental conditions, whether simultaneously or separately. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ.2d 1161, 1165-66 (Fed. Cir 1999) ("If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim.").

Cho does not teach detection of physical conditions of the user. Contrary to the statement in the Office Action, Cho (at col. 9, line 22 to col. 10, line 38) does not discuss detecting a user physical condition hazard. The cited portion of Cho discusses the detection of radiation in the environment around the slave machine. In addition, Cho does not discuss the inclusion of two separate sensors, a first for detecting environmental conditions around a user and a second for detecting physical conditions of a user. Thus, Applicants respectfully submit that the Cho reference does not anticipate claims 67-73, 75-83, and 85-87 of the present application.

In light of the amendments to claims 67 and 79, Applicants submit that claims 74 and 84 are no longer objectionable as depending from a rejected base claim. Applicants respectfully submit that claims 74 and 84 are allowable.

CONCLUSION

Accordingly, Applicants respectfully submit that claims 1-14, 16-18, 23-33, 35, 36 and 41-87 are in condition for allowance, notice of which is respectfully requested.

Respectfully submitted,

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